2022 Public Campaign Financing Matching Funds Handbook

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Chapter 1: Introduction

The information contained in this publication is intended as a quick reference guide only. To the extent that this handbook covers material beyond that contained in law or rule, the Florida Division of Elections (Division) offers such material to candidates merely as guidelines.

This publication is not a substitute for the Florida Election Code or applicable constitutional and rule provisions, the text of which controls. Chapter 106, Florida Statutes, the Constitution of the State of Florida, Division of Elections' opinions and rules, Attorney General Opinions, and other sources should be reviewed in their entirety for complete information regarding campaign financing.

All applicable forms and publications are publicly available on the Division's website at dos.myflorida.com/elections/forms-publications.

Please direct any questions about the state's Public Campaign Matching Funds Program to Donna S. Brown, Chief, Bureau of Election Records, Florida Division of Elections at 850.245.6240.

Chapter 2: Public Campaign Financing

What is Public Campaign Financing?

In 1986, the Florida Legislature found that the costs of running an effective campaign for statewide office had reached a level tending to discourage persons from running for office. Public financing laws were enacted to encourage qualified persons to seek statewide office who may not otherwise do so and to protect the effective competition by candidates using public funding.

(Section 106.31, Fla. Stat.)

Who is an Eligible Candidate?

Candidates for Governor and any cabinet office (Attorney General, Chief Financial Officer, and Commissioner of Agriculture) are eligible for the program. For public campaign financing purposes, Governor and Lieutenant Governor candidates are considered a "single" candidate. Any such candidate who wants to receive public campaign financing must, upon qualifying for office, file a request with the Division on Form DS-DE 98, Candidate for Governor or Cabinet Officer Request for Contributions.

Eligibility Requirements

To be eligible to receive public campaign financing a candidate must:

1. Not be an unopposed candidate.

2. Agree to abide by the expenditure limits provided in Section 106.34, Florida Statutes.

3. Raise contributions as follows:

    a. $150,000 for Governor candidates; or

    b. $100,000 for Cabinet candidates;

    Contributions from individuals who are not state residents may not be used to meet the threshold amount.

4. Limit loans or contributions from the candidate's personal funds to $25,000 and contributions from national, state, and county executive committees of a political party to $250,000 in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts as shown above.

5. Submit to the Division at each reporting period, documentation for matchable contributions.

6. Submit to a post-election audit of the campaign account and financial records by the Division.

(Section 106.33, Fla. Stat., and Rule 1S-2.047, F.A.C.)

Expenditure Limits

The expenditure limits for the 2022 election cycle are as follows:

- **Governor and Lieutenant Governor:** $30,286,714.00 ($2.00 for each Florida-registered voter); or

- **Cabinet Officer:** $15,143,357.00 ($1.00 for each Florida-registered voter).

Determination of the expenditure limits is based on the number of Florida registered voters as of June 30 of each odd-numbered year. The Division certifies this number no later than July 31 of the odd-numbered year. The number of Florida voters registered as of June 30, 2021, was 15,143,357.

Candidates who only face primary election opposition must limit total expenditures to 60 percent of the total limit. Expenditure limits do not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

(Section 106.34, Fla. Stat., and Rule 1S-2.047, F.A.C.)

Voluntarily Abiding by Public Campaign Financing Limits

Each candidate who has not made a request to receive public campaign financing, but wishes to voluntarily abide by the expenditure limits in Section 106.34, Florida Statutes, and the contribution limits in Section 106.33, Florida Statutes, must file a statement to this effect with the Division, at the time of qualifying for office. The form to use is Form DS-DE 90, Irrevocable Statement to Voluntarily Abide by the Expenditure Limits and Contribution Limits on Personal and Party Funds. This form is available on the Division's website at: Irrevocable Statement To Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds.

If a candidate files Form DS-DE 90 and subsequently exceeds the limits, they must pay an amount equal to the amount of the excess contributions or expenditures to the state. This penalty is not an allowable campaign expense and must be paid from personal funds of the candidate.

However, if a nonparticipating candidate exceeds the expenditure limit, a candidate who signs the voluntary statement may exceed the applicable expenditure limit to the extent the nonparticipating candidate exceeded the limit without being subject to a penalty.

(Section 106.353, Fla. Stat., and Rule 1S-2.047, F.A.C.)

Nonparticipating Candidate Exceeding Limits

When a candidate who has chosen not to participate in public financing exceeds the expenditure limit in Section 106.34, Florida Statutes, all opposing participating candidates are (notwithstanding the provisions of Section 106.33, Florida Statutes, or any other provision requiring adherence to such limit):

1. Released from such expenditure limit to the extent the nonparticipating candidate exceeded the limit;

2. Still eligible for matching contributions up to such limit; and

3. Not required to reimburse any matching funds provided pursuant thereto.

Penalties and Fines

In addition to any other penalties which may be applicable under the election code, any candidate who receives public campaign financing and who exceeds the applicable expenditure limit (except as authorized in Sections 106.353 and 106.355, Florida Statutes), or falsely reports qualifying matching contributions and thereby receives public campaign financing to which the candidate was not entitled, shall be fined an amount equal to three times the amount at issue.

(Section 106.36, Fla. Stat., and Rule 1S-2.047, F.A.C.)

Chapter 3: Distribution of Funds

Distribution of funds is made beginning on the 32nd day prior to the primary and every seven days thereafter (*see* Appendix D). Distributions are based on verified matching contributions as shown on campaign finance reports, required to be filed by Section 106.07(1)(a), Florida Statutes, listing the contributions received after September 1 of the calendar year prior to the election.

The Division will review each request for contributions and certify to the candidate whether or not they are eligible. An adverse decision may be appealed to the Florida Elections Commission (*see* Rule 1S-2.047, F.A.C.).

Once certified, the candidate is entitled to receive the distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in Section 106.33(2), Florida Statutes, and received after September 1, 2021, distribution is made on a two-to-one basis.

2. For all other qualifying matching contributions (after the threshold is reached), distribution is made on a one-to-one basis.

3. No match exists for contributions received on or before September 1, 2021.

Qualifying matching contributions are contributions of $250 or less made after September 1, 2021, from an individual who is a state resident at the time of making the contribution. In determining the amount of the match, the following are applicable:

1. Aggregate contributions from an individual in excess of $250 made after September 1, 2021, will be matched only up to $250.

2. Only contributions by Florida residents will be considered for the match. For this purpose, a registered voter in Florida is considered a Florida resident.

3. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement.

4. For contributions made by check from a personal joint account, the match can only be for the individual who actually signs the check.

Notwithstanding the provisions of Section 106.11, Florida Statutes, a candidate who is eligible for a distribution of funds based upon qualifying matching contributions received and certified to

the Division on the report due on the 4th day prior to the election may obligate funds (not to exceed the amount which the campaign treasurer's report shows the candidate is eligible to receive) without the funds actually being on deposit in the campaign account.

(Section 106.35, Fla. Stat., and Rule 1S-2.047, F.A.C.)

First Distribution

The first distribution of funds will be based on campaign finance reports required to be filed on or before the 60th day before the primary election.

Second Distribution

The second distribution of funds will be based on campaign finance reports required to be filed after the 60th day but no later than the 32nd day prior to the primary election.

Subsequent Distributions

Each subsequent distribution of funds will be based on the prior week's timely filed report or reports.

Distribution of funds based on untimely documentation or reports, amended reports, or supplemental documentation will be distributed no later than the weekly cycle occurring three weeks after receipt of such documentation or report, subject to final report and documentation deadlines.

(Section 106.35, Fla. Stat., and Rule 1S-2.047, F.A.C.)

Chapter 4: Campaign Reports and Supporting Documentation

A statewide candidate required to file reports with the Division must file monthly campaign finance reports AND must file reports:

1. On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.

2. On the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding the general election.

Electronic Filing

All candidates who file campaign treasurer's reports with the Division must file reports in electronic format by means of the internet by either keying in the detail data via the web pages or uploading an electronic file that meets the Division's file specifications pursuant to state law.

(Sections 106.0705 and 106.0706, Fla. Stat., and Rule 1S-2.047, F.A.C.)

Timely Filing of Reports and Documentation

For eligible matching funds candidates, a report and supporting documentation is timely if it is received by the Division by 12:00 noon, Eastern Time, on the date it is due (*see* Appendix C). A report or documentation received after 12:00 noon, Eastern Time, on the due date is deemed late for matching funds purposes and any eligible matching funds will be distributed no later than the weekly cycle occurring three weeks after receipt of such report or documentation.

However, no distribution will occur based upon the applicable campaign finance contribution report and its supporting documentation if the following deadlines are not met:

1. Campaign finance reports and documentation due on the 25th, 18th, and 11th day before the primary or general election must be received no later than noon on the day the report and documentation are due.

2. Campaign finance reports and documentation due on or before the 32nd day prior to the primary election must be received no later than noon on the 25th day prior to the primary election.

3. The campaign finance report and documentation due on the 4th day prior to the primary election must be received no later than noon on the 3rd day following the primary election.

4. Campaign finance reports and documentation due between the 60th day and the 32nd day prior to the general election must be received no later than noon on the 25th day prior to the general election.

5. The campaign finance report and documentation due on the 4th day prior to the general election must be received no later than noon on the 3rd day following the general election.

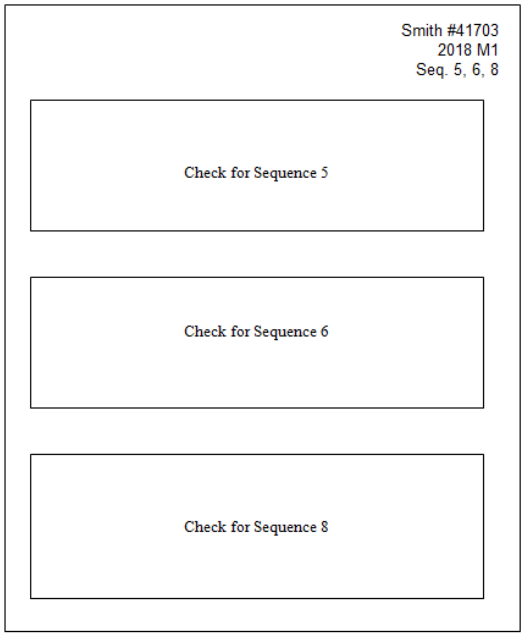
Distributions shall not be made to any person after the person withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office, even if the person submitted nonconforming documentation while the person was a candidate and then corrects the deficiencies in the documentation after withdrawing, becoming unopposed, being eliminated, or being elected. The only exception is that a distribution can be made to a candidate based upon qualifying matching contributions received and certified to the Division on the campaign finance report due on the 4th day prior to the election, as long as the documentation conforms to the requirements of *Rule 1S-2.047, Florida Administrative Code*.

Documentation Submission Requirements

Submitted documents:

- May be submitted in paper or electronic format.
- Must be arranged by report.
- Must be provided in sequence order beginning with the smallest sequence. Do not provide documentation for sequences that do not contain a contribution eligible for the threshold requirements or a matchable contribution. Documentation for more than one sequence may appear on a page, however, it must appear in sequence order.
- Must be on 8½" by 11" paper. Information may be submitted in portrait or landscape format; however, all pages within the documentation submission must be in the same format.

Example:



- Must include in the top, right portion of each page, the candidate's last name, candidate identification number, the report name, and the contribution sequence number or numbers to which the documentation pertains.

The following additional requirements apply for electronic submission:

- The documentation must be done via a separate file for each corresponding contribution report.
- The file name for the electronic submission must contain the candidate's last name followed by the type of report (e.g., JonesF1, SmithG2, etc.), unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the filename.
- The documentation must clearly identify the contribution sequence number or numbers to which the image pertains.
- All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image.

The Division will not process documents that do not meet the requirements of Rule 1S-2.047(2), Florida Administrative Code, and will notify the candidate accordingly.

Contribution Documentation

In order to verify contributions, the Division must receive the following documentation:

A. For a contribution made by check or cashier's check, a copy of the check or cashier's check;

B. For a contribution made by credit or debit card, a copy of the credit or debit card receipt;

C. In-kind documentation (a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution, and the fair market value of the contribution);

D. For a cash contribution, a copy of the bank deposit slip. The deposit slip must itemize cash deposits by contributor name and contribution amount.

(Rule 1S-2.047, F.A.C.)

Missing or Incomplete Information

If information in a campaign treasurer's report related to a matchable contribution is illegible, missing, incomplete or cannot be verified, no match will be made for that contribution and the Division will notify the candidate.

(Rule 1S-2.047, F.A.C.)

Amendments

If a candidate requesting matching funds amends a previously filed report, any adjustment to the candidate's distribution will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically to the Division.

(Rule 1S-2.047, F.A.C.)

Appendices

Appendix A: Frequently Asked Questions

Question 1:

If I receive a check drawn on a joint checking account in the amount of $3,000[1], and only one person signs the check, can I attribute the contribution to both signatories on the account?

Answer:
No, the contribution is considered to be from the person signing the check; and, therefore, only $250 of the $3000 can be attributed to the candidate for matching fund purposes.

(Section 106.35(2)(b), Fla. Stat.)

Question 2:

If I receive a check drawn on a joint checking account in the amount of $6,000[1], and two parties sign the check, can I attribute the contribution to both parties and, if so, what amount is attributed to each?

Answer:
Yes, the contribution would be divided between both contributors in an amount of $3,000 each; however, only $250 of each contribution will be matched.

(Section 106.35(2)(b), Fla. Stat.)

Question 3:

If I receive a check drawn on a joint checking account in an amount less than $6,000[1], and two parties sign the check, can I attribute the contribution to both parties and, if so, what amount is attributed to each?

Answer:
No, the only check over $3,000 that is acceptable is a check for $6,000 from a joint checking account and signed by both parties. For checks less than $6,000, there is no way to determine how much is attributable to each party.

[1] This question is based upon the allowable contribution limits contained in Section 106.08, Fla. Stat., effective November 1, 2013

Question 4:

If an individual contributor gives two contributions of $250 each, will both be matched?

Answer:
No, each contributor may only be matched up to $250 for the entire election cycle. For example, if a contributor gives an aggregate of $500 over the entire election cycle, only $250 of that amount is matchable.

(Section 106.35(2)(b), Fla. Stat.)

Question 5:

If I received a $500 check from an individual after September 1 of the year preceding the election, what amount is matched?

Answer:
$250 would be matched if the contributor is a Florida resident.

(Section 106.35(2)(b), Fla. Stat.)

Question 6:

If the above contribution is within the threshold amount, would it be matched two-to-one or one-to-one?

Answer:
The contribution would be matched two-to-one, or $500 for a $250 contribution.

(Section 106.35(2)(a)1., Fla. Stat.)

Question 7:

If I receive a contribution on a business check, but it is the only account an individual has and he also uses it for personal transactions, would such a contribution be attributed to the individual?

Answer:
No, any check drawn on a business account is considered a contribution from the business and not from the individual and will not be matched.

(Section 106.35(2)(b), Fla. Stat.)

Question 8:

After the campaign is over, may I, the candidate, pay myself back for contributions I have made to my own campaign?

Answer:
Yes, a candidate may reimburse himself in full or in part, for any reported contributions not to exceed the $25,000 limit that a candidate who participates in public campaign financing may contribute to his own campaign, before disposing of surplus campaign funds.

(Section 106.141(2), Fla. Stat.)

Question 9:

If I have surplus campaign funds and was a petition candidate that filed an affidavit of undue burden, must I reimburse the cost of verification of petition signatures to the appropriate supervisor of elections prior to writing a check to the state for money received for matching funds?

Answer:
Yes.

(Section 106.141(7), Fla. Stat.)

Question 10:

Can the national, state and county executive committees, and their subordinate committees, each contribute $250,000 to my campaign?

Answer:
No, the aggregate total that all can give is $250,000.

(Section 106.33(3), Fla. Stat.)

Question 11:

Can the threshold amount of $150,000 for Governor and $100,000 for Cabinet candidates be from any contributor, or must it be from individuals?

Answer:
The threshold can be comprised of contributions from any contributor, except from the candidate, political parties and individuals not Florida residents.

(Section 106.33(3), Fla. Stat.)

Question 12:

What is the maximum amount that I, as the candidate, can contribute to my own campaign, and does this amount include in-kind contributions?

Answer:
The maximum amount that a candidate who participates in public campaign financing may give to his or her campaign is $25,000, which includes loans, monetary and in-kind contributions.

(Section 106.33(3), Fla. Stat.)

Question 13:

If I exceed the expenditure limits, will I still be able to receive matching funds?

Answer:
No, if you exceed the expenditure limits, you no longer qualify to receive matching funds. However, if a non-participating candidate in your race exceeds the limits, you may expend money up to the amount exceeded by the non-participating candidate.

(Sections 106.33(1) and 106.355, Fla. Stat.)

Question 14:

If I do not meet the threshold amount by qualifying time, may I still submit my request to receive matching funds?

Answer:
Yes, but no funds will be disbursed until you have met the threshold amount.

(Sections 106.33 and 106.35, Fla. Stat.)

Question 15:

If I have submitted a request for matching funds, but have not received the funds as yet, may I obligate those funds for my election?

Answer:
As a general rule, no. However, you may obligate funds you have not received only for the last matching period prior to an election. Thus, you may obligate funds, not already on deposit in your campaign account, for the funds you are eligible to receive, based on the report submitted for the 4th day preceding the election.

(Section 106.35(3)(b), Fla. Stat.)

Question 16:

When do I have to dispose of funds in my campaign account?

Answer:
Within 90 days after withdrawing, becoming unopposed, elected or eliminated.

(Section 106.141(1), Fla. Stat.)

Question 17:

If I receive a refund after my account is closed, what do I do with the funds?

Answer:
Sign the refund check over to the state to repay money received for matching funds.

(Sections 106.141(1) and 106.141(4)(b), Fla. Stat.)

Question 18:

What penalties might I incur if I receive matching funds, but have exceeded the expenditure limit, or have falsely reported qualifying matching contributions, and, therefore, receive matching funds to which I was not entitled?

Answer:
You can be fined an amount equal to three times the amount received.

(Section 106.36, Fla. Stat.)

Appendix B: Legal References and Rules Cited

Florida Statutes

- 106.07 Reports; certification and filing.
- 106.0705 Electronic filing of campaign treasurer's reports.
- 106.0706 Electronic filing of campaign finance reports; public records exemption.
- 106.08 Contributions; limitations on.
- 106.11 Expenses of and expenditures by candidates and political committees.
- 106.141 Disposition of surplus funds by candidates.
- 106.30 Short title.
- 106.31 Legislative intent.
- 106.32 Election Campaign Financing Trust Fund.
- 106.33 Election campaign financing; eligibility.
- 106.34 Expenditure limits.
- 106.35 Distribution of funds.
- 106.353 Candidates voluntarily abiding by election campaign financing limits but not requesting public funds; irrevocable statement required; penalty.
- 106.355 Nonparticipating candidate exceeding limits.
- 106.36 Penalties; fines.

Florida Election Code

- Chapter 106, Florida Statutes

Florida Administrative Code

- Rule 1S-2.047 State Campaign Matching Funds Program
- Rule 2B-1.006 Appeal of Adverse Decision for Contributions from Election Campaign Financing Trust Fund (Repealed)

Forms

- DS-DE 90 Irrevocable Statement to Voluntarily Abide by the Expenditure and Contributions Limits on Personal and Party Funds
- DS-DE 98 Candidate for Governor or Cabinet Officer Request for Contributions

Websites

- Constitution of the State of Florida
- Division of Elections – Opinions and Rules
- Attorney General Opinions
- Division of Elections – Forms & Publications
- Florida Elections Commission

Appendix C: Calendar of Reporting Dates for 2022 Statewide Candidates

Cover Period	Report Code	Due Date
12/1/21 - 12/31/21	2021 M12	1/10/2022
1/1/22 - 1/31/22	2022 M1	2/10/2022
2/1/22 - 2/28/22	2022 M2	3/10/2022
3/1/22 - 3/31/22	2022 M3	4/11/2022
4/1/22 - 4/30/22	2022 M4	5/10/2022
5/1/22 - 5/31/22	2022 M5	6/10/2022

6/1/22 - 6/17/22	2022 P1	6/24/2022
6/18/22 - 6/24/22	2022 P1A	7/1/2022
6/25/22 - 7/1/22	2022 P2	7/8/2022
7/2/22 - 7/8/22	2022 P2A	7/15/2022
7/9/22 - 7/15/22	2022 P3	7/22/2022
7/16/22 - 7/22/22	2022 P4	7/29/2022
7/23/22 – 7/29/22	2022 P5	8/5/2022
7/30/22 - 8/5/22	2022 P6	8/12/2022
8/6/22 - 8/18/22	2022 P7	8/19/2022
8/19/22	2022 P7A	8/26/2022

8/20/22 - 8/26/22	2022 G1	9/2/2022
8/27/22 - 9/2/22	2022 G1A	9/9/2022
9/3/22 - 9/9/22	2022 G2	9/16/2022
9/10/22 - 9/16/22	2022 G2A	9/23/2022
9/17/22 - 9/23/22	2022 G3	9/30/2022
9/24/22 – 9/30/22	2022 G3A	10/7/2022
10/1/22 – 10/7/22	2022 G4	10/14/2022
10/8/22 – 10/14/22	2022 G5	10/21/2022
10/15/22 - 10/21/22	2022 G6	10/28/2022

10/22/22 - 10/28/22*	2022 D1*	10/29/2022*
10/29/2022*	2022 D2*	10/30/2022*
10/30/2022*	2022 D3*	10/31/2022*
10/31/2022*	2022 D4*	11/1/2022*
11/1/2022*	2022 D5*	11/2/2022*
11/2/2022*	2022 D6*	11/3/2022*

10/22/22 - 11/3/22**	2022 G7**	11/4/2022**

Termination Reports

Cover Period	Report Code	Due Date
After April-May Qualifying	TR	7/28/2022
After June Qualifying	TR	9/16/2022
Primary Election	TR	11/21/2022
General Election	TR	2/6/2023

* These reports need only contain information on all previously unreported contributions received as of the preceding day; however, expenditures can be reported if desired.

** If expenditures for 10/22/22 – 11/3/22 have already been reported during the daily reports, do not duplicate expenditures in this report.

Appendix D: 2022 Public Campaign Finance Distribution Schedule

Documentation Due	Reports Covered	Distribution Date
6/24/2022 (60 days prior to the primary)	2021 M9 (beginning 9/2/21) 2021 M10 2021 M11 2021 M12 2022 M1 2022 M2 2022 M3 2022 M4 2022 M5	7/22/2022 (32nd day prior to primary)
7/22/2022	2022 P1 2022 P1A 2022 P2 2022 P2A 2022 P3	7/29/2022 (25th day prior to primary
7/29/2022	2022 P4	8/5/2022
8/5/2022	2022 P5	8/12/2022
8/12/2022	2022 P6	8/19/2022
8/19/2022	2022 P7	8/26/2022
8/26/2022	2022 P7A	9/2/2022
9/2/2022	2022 G1	9/9/2022
9/9/2022	2022 G1A	9/16/2022
9/16/2022	2022 G2	9/23/2022
9/23/2022	2022 G2A	9/30/2022
9/30/2022	2022 G3	10/7/2022
10/7/2022	2022 G3A	10/14/2022
10/14/2022	2022 G4	10/21/2022
10/21/2022	2022 G5	10/28/2022
11/28/2022	2022 G6	11/4/2022
11/3/2022	2022 D1 2022 D2 2022 D3 2022 D4 2022 D5 2022 D6	11/11/2022
11/4/2022	2022 G7	11/18/2022

Rule 1S-2.047 – State Campaign Matching Funds Program

(1) Request. A candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds pursuant to the Florida Election Campaign Financing Act shall complete Form DS-DE 98, "Candidate for Governor or Cabinet Member Request for Campaign Financing Act Matching Funds" (eff. 11/17) (https://www.flrules.org/Gateway/reference.asp?No=Ref-08806), and submit it to the Division of Elections (Division) no later than the date the candidate qualifies for office.

(2) Filing of campaign finance reports and documentation.

(a) Candidates requesting matching funds must file their campaign finance reports with the Division electronically as provided in section 106.0705, F.S., and Rule 1S-2.017, F.A.C. For purposes of processing requests and distributing matching funds, a report and its supporting documentation are deemed:

1. Timely filed only if they are filed no later than 12:00 Noon (Eastern Time), on the due date of the campaign finance report.

2. Untimely filed if they are filed after 12:00 Noon (Eastern Time), on the due date of the campaign finance report.

(b) A candidate requesting state matching funds must include in the campaign finance report all information required by sections 106.07 and 106.30-.36, F.S., and must also provide all information and documentation required by subsection (2), of this rule.

(c) If a candidate requesting state matching funds submits a campaign finance report listing contributions and subsequently amends such report or resubmits supporting documentation, any adjustment to the candidate's distribution of funds will be made as provided in subsection (3), of this rule.

(d) Documentation to support a reported contribution may be submitted in paper or electronic format.

1. Regardless of the format, documentation must be submitted in the corresponding sequence order as recorded on the filed campaign finance report beginning with the smallest sequence number.

2. Paper documentation must be submitted on 8 1/2 by 11 paper. The top, right portion of each page must include the candidate's last name, candidate identification number, the report name (e.g., P1, G3, etc.), and the contribution sequence number or numbers to which the documentation pertains. Information may be submitted in portrait or landscape format; however, all pages within the documentation submission must be in the same format.

3. Electronic submission of documentation must be done via a separate file for each corresponding filed campaign finance report. The filename for the electronic submission must contain the candidate's last name followed by the type of report (e.g., JonesP1, SmithG2, etc.), unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the filename. The documentation must clearly identify the contribution sequence number or numbers to which the image pertains. All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image.

(e) The supporting documentation must satisfy the requirements of this rule to permit verification of the applicable contribution on the campaign finance report for which matching funds are requested.

(f) The Division must receive the following legible and complete documentation:

1. For a contribution made by check or cashier's check, a copy of the check or cashier's check,

2. For a contribution made by credit or debit card, a copy of the credit or debit card receipt,

3. For an in-kind contribution, a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution and the fair market value of the contribution; and,

4. For a cash contribution, a copy of the bank deposit slip. The deposit slip must itemize cash deposits by contributor name and contribution amount.

(g) Documentation that does not conform to the specifications in subsection (2), of this rule, will not be processed and the Division will notify the candidate. Upon the Division's subsequent and timely receipt and verification of documentation that is in compliance with these specifications, matching funds will be distributed as provided in subsection (3), of this rule.

(3) Distribution of state matching funds.

(a) For purposes of distribution of state matching funds, the Division shall process campaign finance reports and documentation in order of receipt and prioritize those that are timely submitted over those that are untimely submitted.

(b) Distributions shall be based on verified matching contributions that were received after September 1 of the calendar year prior to the election.

1. The first distribution of funds shall be distributed to eligible candidates on the 32nd day prior to the primary election based both on timely filed campaign finance reports which are required to be filed on or before the 60th day before the primary election and the documentation as specified in this rule.

2. The second distribution of funds shall be distributed to eligible candidates on the 25th day prior to the primary election based both on timely filed campaign finance reports which are required to be filed after the 60th day but no later than the 32nd day prior to the primary election and the documentation as specified in this rule.

3. Each subsequent distribution of state matching funds to eligible candidates shall be based on the prior week's timely filed report or reports and documentation as specified in this rule.

(c) Subject to the further restrictions specified in this subparagraph and subsection (d), distribution of funds based on untimely documentation or reports, amended reports, or supplemental documentation will be distributed no later than the weekly cycle occurring three weeks after receipt of such documentation or report. However, no distribution shall occur based upon the applicable campaign finance contribution report and its supporting documentation if the following final deadlines for campaign finance reports and documentation are not met:

1. Campaign finance reports and documentation due on the 25th, 18th, and 11th day before the primary or general election must be received no later than noon on the day the report and documentation are due.

2. Campaign finance reports and documentation due on or before the 32nd day prior to the primary election must be received no later than noon on the 25th day prior to the primary election.

3. The campaign finance report and documentation due on the 4th day prior to the primary election must be received no later than noon on the 3rd day following the primary election.

4. Campaign finance reports and documentation due between the 60th day and the 32nd day prior to the general election must be received no later than noon on the 25th day prior to the general election.

5. The campaign finance report and documentation due on the 4th day prior to the general election must be received no later than noon on the 3rd day following the general election.

(d) Distributions shall not be made to any person after the person withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office, even if the person submitted nonconforming documentation while the person was a candidate and then corrects the deficiencies in the documentation after withdrawing, becoming unopposed, being eliminated, or being elected. The only exception is that a distribution can be made to a candidate based upon qualifying matching contributions received and certified to the Division on the campaign finance report due on the 4th day prior to the election, as long as the documentation conforms to the requirements of this rule.

(4) Review of agency action.

(a) An adverse final decision by the Division regarding the distribution of matching funds constitutes a notice of agency decision for purposes of Rule 28-106.111, F.A.C.

(b) Pursuant to section 120.569(2)(a), F.S., and Rule 28-106.111, F.A.C., the person receiving the adverse action may request a hearing by filing such request with the Division within 21 days of the notice of agency decision. Failure to timely file a request shall constitute a waiver of any such entitlement.

1. Upon specific request by the aggrieved person, the Florida Elections Commission shall be designated by the Division to serve as the presiding officer for purposes of chapter 120, F.S., and Rule 28-106.102, F.A.C., and as provided in section 106.35(1), F.S. The Florida Elections Commission shall conduct the hearing in accordance with its own rules and in accordance with Chapter 28-106, F.A.C. After conducting the hearing, the Florida Elections Commission shall enter with the Division, through the agency clerk, a recommended order pursuant to Rule 28-106.216, F.A.C.

2. If no specific request is made that the Florida Elections Commission be substituted as the presiding officer, the Division will assign a presiding officer in accordance with Rule 28-106.102, F.A.C.

(c) Appeal of final order by the Division. An aggreived person may appeal the Division of Elections' final order to the District Court of Appeal as provided by law and appellate rules.

(5) Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of section 106.34, F.S., and the contribution limits on personal and party funds set forth in section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90, "Irrevocable Statement to Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds" (eff. 11/17) (https://www.flrules.org/Gateway/reference.asp?No=Ref-08805), upon qualifying for office.

(6) Forms Incorporated by Reference. All forms contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division's website at: https://dos.myflorida.com/elections/forms-publications/forms, or by calling (850) 245-6240.

Rulemaking Authority 20.10(3), 106.33, 106.35(1), (5) FS. Law Implemented Fla. Const., Art VI, s. 7, 106.30-.36 FS. History–New 4-15-09, Amended 2-2-14, 11-27-17.